



January 23, 2004

SENATE BILL No. 40

DIGEST OF SB 40 (Updated January 20, 2004 2:57 pm - DI 71)

Citations Affected: IC 6-6; IC 9-13; IC 9-19.

Synopsis: Motor vehicle restraint systems. Requires every occupant of a motor vehicle to wear a safety belt, with certain exceptions. Removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana supreme court. Provides that the operator of a motor vehicle commits a Class D infraction if a passenger in the motor vehicle is less than 12 years of age and is not restrained by a child passenger restraint system or safety belt. Repeals a similar provision in current law that applies only to passenger motor vehicles.

Effective: July 1, 2004.

Wyss, Antich

November 18, 2003, read first time and referred to Committee on Transportation and Homeland Security.
January 22, 2004, reported favorably — Do Pass.

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January 23, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 40

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-5-6.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.7. (a) As used in this
3 section, "passenger motor vehicle" and "truck" have the meanings set
4 forth for those terms in ~~IC 9-13-2-123(a)~~ **IC 9-13-2-123** and
5 IC 9-13-2-188(a).

6 (b) Every owner of a passenger motor vehicle or passenger motor
7 vehicles or of a truck or trucks who during a registration year regularly
8 rents those vehicles or trucks for periods of under thirty (30) days to
9 others in the regular course of the owner's business is entitled to a
10 credit against the motor vehicle excise tax liability owed for those
11 passenger motor vehicles or trucks for that registration year. The
12 maximum credit an owner is entitled to claim against the tax owed for
13 all those passenger motor vehicles and trucks for a registration year
14 under this section equals the lesser of:

15 (1) the total motor vehicle excise taxes due for those passenger
16 motor vehicles and trucks for that registration year, before the
17 application of the credit allowed by this section; or

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(2) the total auto rental excise taxes collected by the owner during the immediately preceding registration year.

(c) A passenger motor vehicle or truck is regularly rented by a person in the regular course of the person's business during a registration year if the passenger motor vehicle or truck is rented by the person to another person an average of ten (10) days each month of the registration year that the person owned the passenger motor vehicle or truck.

SECTION 2. IC 6-6-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~: **IC 9-13-2-123.**

SECTION 3. IC 6-6-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. As used in this chapter, "passenger motor vehicle" has the meaning set forth in ~~IC 9-13-2-123(a)~~: **IC 9-13-2-123.**

SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.21-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 123. ~~(a)~~ "Passenger motor vehicle" means ~~except as provided in subsection (b)~~ a motor vehicle designed for carrying passengers. The term includes a low speed vehicle but does not include a motorcycle, bus, or school bus.

~~(b) For purposes of IC 9-19-10, the term includes buses, school buses, and private buses, and excludes trucks, tractors, and recreational vehicles.~~

SECTION 5. IC 9-19-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This chapter does not apply to ~~a front seat~~ **an occupant of a motor vehicle** who meets any of the following conditions:

- (1) For medical reasons should not wear safety belts.
- (2) Is a child required to be restrained by a child passenger restraint system under IC 9-19-11.
- (3) Is:
 - (A) traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services; and**
 - (B) in the course of making these stops and pickups or deliveries.**
- (4) Is:
 - (A) a rural carrier of the United States Postal Service; and is**
 - (B) operating a vehicle while serving a rural postal route; and**
 - (C) in the course of making these stops and pickups or**

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deliveries.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who:

(A) stops to make deliveries from a vehicle; and

(B) is in the course of making these stops and deliveries.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is the occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(8) Is the occupant of a vehicle participating in a parade.

(9) Is the occupant of the living quarters area of a recreational vehicle.

(10) Is the occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is the occupant of the sleeping area of a tractor.

SECTION 6. IC 9-19-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Each front seat occupant of a passenger motor vehicle that is equipped with a safety belt that:

meeting (1) meets the standards stated in the Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208); and

(2) was standard equipment installed by the manufacturer;

shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in forward motion.

SECTION 7. IC 9-19-10-3, AS AMENDED BY P.L.57-1998, SECTION 2, AND AS AMENDED BY P.L.116-1998, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. *(a) Except as provided in subsection (b), a person may not be stopped, inspected, or detained solely to determine compliance with this chapter.*

(b) Subsection (a) does not apply to a stop, an inspection, or a detention of a person to determine compliance with section 2-5 of this chapter.

A vehicle may be stopped to determine compliance with this chapter. However, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be inspected, searched, or detained solely because of a violation of this chapter.

SECTION 8. IC 9-19-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2004]: **Sec. 3.5. A person who operates a motor vehicle that is**
2 **equipped with a safety belt meeting the standards in Federal Motor**
3 **Vehicle Safety Standard Number 208 (49 CFR 571.208) commits**
4 **a Class D infraction if:**
5 **(1) there is a child in the motor vehicle who is at least four (4)**
6 **years of age but less than twelve (12) years of age; and**
7 **(2) the child is not properly fastened and restrained by:**
8 **(A) a child passenger restraint system; or**
9 **(B) a safety belt.**
10 SECTION 9. IC 9-19-10-2.5 IS REPEALED [EFFECTIVE JULY
11 1, 2004].

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COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 40, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 40 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 1.

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